

House Bill 975

By: Representatives Anderson of the 117th, Harbin of the 118th, Sims of the 119th, Coan of the 101st, Maddox of the 127th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem property tax exemptions, so as to provide an exemption for the full value of certain new constructions of single-family residences; to provide qualifications; to provide for certain procedures regarding such exemptions; to provide for the taxes to which such exemptions are applicable; to provide for a referendum; to provide for effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem property tax exemptions, is amended by adding a new Code section to read as follows:

"48-5-48.5.

(a) As used in this Code section, the term:

(1) 'Ad valorem taxes' means all state ad valorem taxes and all county, county school district, municipal, and independent school district taxes for county, county school district, municipal, or independent school district purposes including, but not limited to, taxes to retire bonded indebtedness.

(2) 'Residential contractor' shall have the same meaning as provided in Code Section Code Section 43-41-2.

(3) 'Single-family residence' shall have the same meaning as 'eligible single-family residence' as provided in Code Section 48-7-29.17.

(b) Each newly constructed single-family residence offered for sale by a residential contractor is granted an exemption for the full value of such residence from all ad valorem taxes. Such exemption shall continue through the earlier of:

(1) The property tax year in which the home is sold or otherwise occupied; or

(2) December 31 of the sixth year following the completion of the single-family residence.

(c) A person shall not receive the ad valorem tax exemption granted pursuant to subsection (b) of this Code section unless the person or person's agent files an affidavit with the tax commissioner of the county in which the single-family residence for which such exemption is being requested is located. Such affidavit shall be filed no later than 30 days after the certificate of occupancy is issued and no later than such deadline required for ad valorem tax exemptions provided for by law. The person filing the affidavit pursuant to this subsection shall be required to provide any further information relative to receiving an exemption provided pursuant to subsection (b) of this Code section as will enable the tax commissioner to make a determination as to whether such person is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose and shall require such information as may be necessary to determine the initial and continuing eligibility of the applicant for the exemption.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1. The exemption shall be automatically renewed from year to year so long as the applicant occupies the residence as a homestead. After a person has filed the proper affidavit as provided in subsection (c) of this Code section, it shall not be necessary to make application and file such affidavit thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Code section to notify the tax commissioner or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by this Code section shall be in lieu of and not in addition to any other homestead exemption from ad valorem taxes.

(f) The exemption granted by this Code section shall apply to all taxable years beginning on or after January 1, 2011."

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of State shall call and conduct a referendum as provided in this section for the purpose of submitting this Act to the electors of the State of Georgia for approval or rejection. The Secretary of State shall conduct that election on the date of the November, 2010, state-wide general election. The Secretary of State shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of each county in the state. The ballot shall have written or printed thereon the words:

